

Addendum to the
Environmental Impact
Assessment Report

NISA
North Irish Sea Array

Volume 11 - Wider Scheme Appendices

Appendix A31.1

Legislation, Policy and Guidance



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1. Appendix 31.1 Legislation, Policy and Guidelines

North Irish Sea Array Windfarm Ltd (NISA, hereafter referred to as ‘the Developer’) has been considering the Request for Further Information (RFI) issued by An Bord Pleanála (now An Coimisiún Pleanála) as well as the third-party submissions received following public consultation. At An Coimisiún Pleanála’s behest, the Developer has also continued to consult with stakeholders in respect of the 2024 planning application throughout 2024-2026. The Developer has refined elements of the design to respond to the third-party submissions, the continued public and stakeholder consultation and the RFI. Amendments are therefore required to Appendix 31.1 Legislation, Policy and Guidance, which is an appendix to Chapter 31 Resource and Waste Management of the Environmental Impact Assessment Report (EIAR). Full details of consultation undertaken can be found in Appendix A1.2 in the Addendum to the EIAR.

For the purposes of clarity, this document shall be read in conjunction with the Appendix 31.1 submitted as part of the 2024 EIAR.

Any cross reference to a chapter, section, table, image, figure or appendix within this document is to another location within the Addendum to the EIAR unless explicitly stated otherwise. Any cross reference to anything included in the 2024 EIAR will be clearly labelled as such.

Text in bold is only used throughout this document to indicate where changes are required, and why they are required. Text in italics illustrates section(s) of the 2024 EIAR which are deleted, or quotations from other documents (as explicitly stated). Replacement text is in normal font.

Tables which have been updated from the 2024 EIAR, or entirely new tables, have been included in the Addendum to the EIAR. These tables can be identified by the “A” prefix in the table caption. Any changes within the updated table, in comparison to tables within the 2024 EIAR, are indicated by grey shading in the relevant cell, column or row, as necessary. The exception here is where a table has been replaced in its entirety.

The section in the RFI relevant to Appendix 31.1 is indicated below.

RFI Section	RFI	Relevance to Appendix
1 (b)	The scientific information provided as part of the planning application documentation should be based on up-to-date survey reports and data. Accordingly, the applicant is requested to confirm/provide justification/verification that the information submitted in support of the planning application remains relevant and appropriate at the point of submitting further information or to update same as required.	The timeframes associated with the RFI have necessitated a review of the datasets previously used in the 2024 EIAR to ensure any necessary updates to the baseline environment are captured. Therefore, a review of the baseline environment has been undertaken to comply with RFI 1 (b). Any relevant changes are included in this appendix.

1.1 European Legislation

1.1.1 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance)

There are no changes required to this section. Refer to Section 1.1.1 of Appendix 31.1 of the 2024 EIAR.

1.1.2 Directive (EU) 2018/851 amending Directive 2008/98/EC on waste

In response to RFI Section 1 (b), there is an administrative error in the heading of this section and in the reference number of the statutory instrument referred to in the section. Therefore, the heading is corrected, and the following text is deleted:

“The Directive was transposed into national law in August 2020 - S.I. No. 322 of 2020.”

And replaced by with the following text:

The Directive was transposed into national law in August 2020 by S.I. No. 323 of 2020, European Union (Waste Directive) Regulations 2020.

There are no other changes to the text in this section. Refer to Section 1.1.2 of Appendix 31.1 of the 2024 EIAR.

1.1.3 Commission Decisions of 18 December 2014 (2014/955/EU) and 2025/934, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC), Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives

In response to RFI Section 1 (b), it is noted that Commission Decision 2000/532/EC has been further amended by Decision 2025/934 to update the List of Waste to address battery-related waste. Therefore, the section heading has been updated, and the following text is added to the section:

Commission Decision 2000/532/EC has been further amended by Decision 2025/934 to update the List of Waste to address battery-related waste. Waste codes have been introduced for new battery-related wastes in the List of Waste, and the amendment replaces the current non-hazardous waste code for alkaline batteries with a new waste code according to which all alkaline batteries are classified as hazardous waste.

There are no other changes required to this section. Refer to Section 1.1.3 of Appendix 31.1 of the 2024 EIAR.

1.1.4 Directive (EU) 2025/1892 amending Directive 2008/98/EC on waste

In response to RFI Section 1(b), a new subsection is added to address Directive 2025/1892 which amended Directive 2008/98/EC. Therefore, text is added as follows:

Directive (EU) 2025/1892 of 10 September 2025 amended Directive 2008/98/EC on waste. The Directive addresses food and textile waste and introduces new requirements for the management of these wastes. The Directive sets binding targets for the reduction of food waste in food processing and manufacturing, and in retail, food services, restaurants and households by 2030. The Directive is of relevance to the proposed development. The temporary construction compounds will have staff and welfare facilities which will generate small quantities of food waste.

2. National Legislation

2.1.1 Circular Economy and Miscellaneous Provisions Act 2022

There are no changes required to this section. Refer to Section 2.1.1 of Appendix 31.1 of the 2024 EIAR.

2.1.2 Climate Action Plan 2024

In response to RFI Section 1 (b), the change required is to move the text which addresses Climate Action Plan 2024 to Section 4, National Policy, and to add a reference to the Climate Action Plan 2025. Therefore, the text in Section 2.1.2 is deleted.

2.1.3 Waste Management Acts, 1996, as amended and Regulations Made under the Acts

There are no changes required to this section. Refer to Section 2.1.3 of Appendix 31.1 of the 2024 EIAR.

2.1.4 Waste Management (Collection Permit) Regulations 2007, S.I. No 820 of 2007, as amended.

In response to RFI Section 1 (b), it is necessary to correct an administrative error in the section heading. It is noted that the Waste Management (Collection Permit) Regulations, S.I. No 820 of 2007 were also amended by the Waste Management (Collection Permit) (Amendment) Regulations, S.I No 63 of 2023. Therefore, the section heading is corrected, and the final sentence of text is revised. The following text is deleted:

“These regulations were amended and updated in 2008, 2012 and 2016.”

And replaced with the following:

These regulations were amended in 2008, 2012, 2016 and 2023.

There are no other changes required to this section. Refer to Section 2.1.4 of Appendix 31.1 of the 2024 EIAR.

2.1.5 Waste Management (Shipments of Waste) Regulations 2007, S.I. No. 419 of 2007

There are no changes required to this section. Refer to Section 2.1.5 of Appendix 31.1 of the 2024 EIAR.

2.1.6 European Communities (Waste Directive) Regulations 2011, S.I. No. 126 of 2011

In response to RFI Section 1 (b), it is necessary to correct an administrative error in the section heading, and to clarify the text with reference to S.I. 126 of 2011. Therefore, the section heading is corrected, and the section is deleted in its entirety and replaced with:

The amended regulations, which were adopted in 2011, significantly changed the provisions of the Waste Management Acts, 1996 to 2008. The 2011 regulations were amended by S.I. No. 323/2020 - European Union (Waste Directive) Regulations 2020. Refer to Section 2.1.7.

The 2011 Regulations define “waste”, “hazardous waste”, “waste disposal” and “waste recovery” and set out tests which must be complied with in order for material to be described as a “by-product” or as achieving “end of waste” status.

The Regulations formally set out the following waste hierarchy which must be applied as a priority order in waste prevention and management legislation and policy:

- Prevention
- Preparation for re-use
- Recycling
- Other recovery (including energy recovery); and
- Disposal

The Regulations require that all statutory waste management plans and hazardous waste management plans in existence at the commencement of the Regulations to be evaluated by 31 December 2012 and, where appropriate, be revised to be brought into line with Directive 2006/12/EC on Waste.

The Regulations also require the Environment Protection Agency to establish a waste prevention programme by December 2011.

2.1.7 European Union (Waste Directive) Regulations 2020 S.I. No. 323/2020

There are no changes required to this section. Refer to Section 2.1.7 of Appendix 31.1 of the 2024 EIAR.

3. European Policy

3.1.1 8th Environmental Action Programme, European Commission (2022)

There are no changes required to this section. Refer to Section 3.1.1 of Appendix 31.1 of the 2024 EIAR.

3.1.2 European Commission Circular Economy Strategy (2015; 2018; 2020)

There are no changes required to this section. Refer to Section 3.1.2 of Appendix 31.1 of the 2024 EIAR.

3.1.3 European Commission, 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A new Circular Economy Action Plan for a cleaner and more competitive Europe. COM (2020).

There are no changes required to this section. Refer to Section 3.1.3 of Appendix 31.1 of the 2024 EIAR.

3.1.4 European Commission (2019) European Green Deal

There are no changes required to this section. Refer to Section 3.1.4 of Appendix 31.1 of the 2024 EIAR.

4. National Policy

4.1.1 The National Waste Management Plan for a Circular Economy 2024-2030

There are no changes required to this section. Refer to Section 4.1.1 of Appendix 31.1 of the 2024 EIAR.

4.1.2 A Waste Action Plan for a Circular Economy – Ireland’s National Waste Policy 2020-2025

There are no changes required to this section. Refer to Section 4.1.2 of Appendix 31.1 of the 2024 EIAR.

4.1.3 Whole of Government Circular Economy Strategy 2026-2028: Accelerating Action

In response to RFI Section 1 (b), the change required is the addition of a reference to the Whole of Government Circular Economy Strategy 2026-2028: Accelerating Action. Therefore, a new Section 4.1.3 is added as follows:

The new Whole of Government Circular Economy Strategy, published in 2026, represents a comprehensive, ambitious roadmap to embed circularity across Ireland’s economy. The Strategy is structured around six priority sectors: construction (the built environment), the bioeconomy (including agriculture), retail, packaging, textiles, and electronics and electronic equipment. The Strategy includes wide-ranging measures, from sector-specific targets in construction, to cross-cutting reforms in procurement, standards, and education.

A number of national targets for the construction and demolition sector are set within the Strategy, including:

- 45% reduction in GHG emissions (against 2018 levels) by 2030 for commercial and public buildings
- Reducing construction and demolition waste arisings by 12% by 2030, in line with the National Waste Management Plan for a Circular Economy 2024-2030
- Setting a target for a minimum of 10% recycled content in construction materials procured by public bodies by 2028.

4.1.4 Climate Action Plans 2024 and 2025

In response to RFI Section 1 (b), the text which addresses Climate Action Plan 2024 has been moved to this new Section 4.1.4. This new section also addresses Climate Action Plan 2025. Therefore, the section heading reflects Climate Action Plans 2024 and 2025. The text of Section 4.1.4 is as follows:

The Climate Action Plan (CAP) 2024 represents the third annual update to Ireland’s CAP 2019 and was published on 20th December 2023. CAP 2024 establishes sectoral emission ceilings and the implementation of carbon budgets and represents a roadmap to halve Ireland’s emissions by 2030 and reach net zero by no later than 2050.

CAP 2024 notes that Ireland currently has a circularity rate of 1.8% which is below the EU average of 12.8% and indicates significant capacity for improvement.

Climate Action Plan (CAP) 2025 represents the fourth annual update to Ireland’s CAP 2019 and was published on 15th April 2025. It is the third statutory update to the plan since the Climate Action and Low Carbon Development (Amendment) Act 2021 was signed into law. Climate Action Plan 2025 builds upon CAP 24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

Several actions are presented in CAP 2024 and CAP 2025 which are of direct relevance to waste management in the proposed development.

5. Regional Policy

5.1.1 The Eastern Midlands Region Waste Management Plan 2015-2021

There are no changes required to this section. Refer to Section 5.1.1 of Appendix 31.1 of the 2024 EIAR.

5.1.2 Construction and Demolition Waste Soil and Stone Recovery / Disposal Capacity – Eastern Midlands Region / Connacht Ulster Region / Southern Region and RPS (2016) and Update Report (2020)

In response to RFI Section 1 (b), the change required is the addition of a reference to the 2020 Update of the 2016 Report. Therefore, the section heading is amended, and the following text is added:

The update report delivers a 10-year forecast of the volumes of soil and stone, concrete, and other construction and demolition waste generation.

With respect to soil and stone arisings, the report examines the national recovery and disposal outlets, i.e. soil recovery facilities, inert landfills and non-hazardous landfills. This allows for the estimation of currently available and future capacity to meet market demand.

There are no other changes required to this section. Refer to Section 5.1.2 of Appendix 31.1 of the 2024 EIAR.

5.1.3 Dublin City Development Plan 2022-2028

There are no changes required to this section. Refer to Section 5.1.3 of Appendix 31.1 of the 2024 EIAR.

5.1.4 Fingal County Council Development Plan 2023-2029

There are no changes required to this section. Refer to Section 5.1.4 of Appendix 31.1 of the 2024 EIAR.

5.1.5 Meath County Council Development Plan 2021-2027

There are no changes required to this section. Refer to Section 5.1.5 of Appendix 31.1 of the 2024 EIAR.

5.1.6 Louth County Development Plan 2021-2027

There are no changes required to this section. Refer to Section 5.1.6 of Appendix 31.1 of the 2024 EIAR.

6. Guidelines

6.1.1 EPA (2021) Best Practice Guidelines for the Preparation of Resource Management Plans for Construction and Demolition Projects

There are no changes required to this section. Refer to Section 6.1.1 of Appendix 31.1 of the 2024 EIAR.

6.1.2 European Commission EU Construction & Demolition Waste Management Protocol 2016 and 2024 revision

In response to RFI Section 1 (b), the change required is the addition of a reference to the 2024 revision of the 2016 Protocol. Therefore, the section heading is amended, and the following text is added:

In 2024 the European Commission published a revised EU Construction and Demolition Waste Management Protocol. The objective of the revision was to build on the work done in previous editions by updating the Protocol and the waste audit guidelines in light of the evolution of technologies, practices and legislation. The revised protocol will support industry in a shift to a circular economy by considering stakeholders' needs and the diversity of construction and demolition waste management practices across the EU27 Member States. The general aims of the protocol remain as stated in the 2016 document.

There are no other changes required to this section. Refer to Section 6.1.2 of Appendix 31.1 of the 2024 EIAR.

6.1.3 EPA (2019) Guidance on Soil and Stone By-products in the context of Article 27 of the European Communities (Waste Directive) Regulations 2011

There are no changes required to this section. Refer to Section 6.1.3 of Appendix 31.1 of the 2024 EIAR.

6.1.4 EPA (2020) By Product - Guidance Note. A guide to by-products and submitting a by-product notification under Article 27 of the European Communities (Waste Directive) Regulations, 2011

There are no changes required to this section. Refer to Section 6.1.4 of Appendix 31.1 of the 2024 EIAR.

6.1.5 EPA (2020) End of Waste Draft Guidance Part 1 and Part 2

In response to RFI Section 1 (b), the change required is a minor amendment to the section heading, to include the word 'draft', as these are draft guidance documents. Therefore, the section heading is amended,

There are no other changes required to this section. Refer to Section 6.1.5 of Appendix 31.1 of the 2024 EIAR.

7. References

For completeness, the change is the addition of Section 7 References, to provide references for the documents referred to in the text.

Dublin City Council (2022) Dublin City Development Plan 2022-2028

Environmental Protection Agency (2021) Best practice guidelines for the preparation of resource & waste management plans for construction & demolition projects

Environmental Protection Agency (2019) Guidance on Soil and Stone By-products in the context of Article 27 of the European Communities (Waste Directive) Regulations 2011

Environmental Protection Agency (2020) By Product - Guidance Note. A guide to by-products and submitting a by-product notification under Article 27 of the European Communities (Waste Directive) Regulations, 2011

Environmental Protection Agency (2020) End of Waste Draft Guidance Document Part 1 and Part 2

Eastern Midlands Region (2015) The Eastern Midlands Region Waste Management Plan 2015-2021

Eastern Midlands Region / Connacht Ulster Region / Southern Region and RPS (2016) Construction and Demolition Waste Soil and Stone Recovery / Disposal Capacity

Eastern Midlands Region / Connacht Ulster Region / Southern Region and RPS (2020) Construction and Demolition Waste Soil and Stone Recovery / Disposal Capacity – Update Report

European Commission (2014) Commission Decisions of 18 December 2014 (2014/955/EU) and 2025/934, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC), Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives

European Commission (2015) Circular Economy Action Plan

European Commission (2018) Circular Economy Action Plan

European Commission (2019) Communication from the Commission The European Green Deal COM (2019) 640 final

European Commission (2020) Circular Economy Action Plan

European Commission, 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A new Circular Economy Action Plan For a cleaner and more competitive Europe. COM (2020)

European Commission (2024) 8th Environmental Action Programme

European Commission (2024) EU Construction & Demolition Waste Management Protocol including guidelines for pre-demolition and pre-renovation audits of construction works. Updated edition 2024

European Commission (2025) Commission Delegated Decision (EU) 2025/934 of 5 March 2025 amending Decision 2000/532/EC as regards an update of the list of waste in relation to battery

European Union (2008) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives,

European Union (2018) Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste

European Union (2025) Directive (EU) 2025/1892 of the European Parliament and of the Council of 10 September 2025 amending Directive 2008/98/EC on waste

Fingal County Council (2023) Fingal County Council Development Plan 2023-2029

Government of Ireland (1996) No. 10 of 1996 Waste Management Act, 1996

Government of Ireland (2007) S.I. No. 419 of 2007 Waste Management (Shipments of Waste) Regulations 2007

Government of Ireland (2007) S.I. No 820 of 2007 Waste Management (Collection Permit) Regulations 2007

Government of Ireland (2011) S.I. No. 126 of 2011 European Communities (Waste Directive) Regulations 2011

Government of Ireland (2020) A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025

Government of Ireland (2020) S.I. No. 323/2020 - European Union (Waste Directive) Regulations 2020

Government of Ireland (2022) No. 26 of 2022 Circular Economy and Miscellaneous Provisions Act 2022

Government of Ireland (2024) Climate Action Plan 2024

Government of Ireland (2025) Climate Action Plan 2025

Government of Ireland (2026) Whole of Government Circular Economy Strategy 2026-2028: Accelerating Action

Louth County Council (2021) Louth County Development Plan 2021-2027

Meath County Council (2021) Meath County Development Plan 2021-2027

